[Dated November 16, 1992]

IN THE

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NO. 86-1840

| | | |
|---|---|---|
| JIMMY WAYNE JEFFERS, | ) | |
| | ) | |
| Petitioner-Appellant, | ) | ON APPEAL FROM THE |
| | ) | UNITED STATES DISTRICT |
| -vs- | ) | COURT FOR THE DISTRICT |
| | ) | OF ARIZONA |
| SAMUEL A. LEWIS, et al., | ) | NO. CIV-85-945-TUC-ACM |
| | ) | |
| Respondents-Appellees. | ) | REQUEST FOR RULING |
| | ) | |

Respondents-Appellees hereby request that this Court rule on its petition for rehearing with suggestion for rehearing en banc.

DATED this 16th day of November, 1992.

Respectfully submitted,

GRANT WOODS
Attorney General

/S/

PAUL J. McMURDIE
Chief Counsel

Attorneys for RESPONDENTS-APPELLEES

## MEMORANDUM OF POINTS AND AUTHORITIES

On September 14, 1992, Respondents-Appellees filed pursuant to Rules 35 and 40 of the Federal Rules of Appellate Procedure, a petition for rehearing with suggestion for rehearing en banc. Sixty days have now elapsed since the timely filing of the State's petition for rehearing and this Court has failed to either request that a responsive pleading be filed or deny the petition. The United States Supreme Court in In re Blodgette, specifically stated that it was the duty upon the federal courts to "take all steps necessary to insure a prompt resolution" of a federal habeas corpus petition in a capital case. 112 S. Ct 674, 676, 116 L. Ed. 2d 669, 671 (1992). The State of Arizona believes that 60 days is more than sufficient for this Court to review the petition for rehearing to determine if a responsive pleading is required or to deny the petition. The State of Arizona respectfully requests that this Court rule on the petition for rehearing with suggestion for rehearing en banc.

DATED this 16th day of November, 1992.

Respectfully submitted,

GRANT WOODS
Attorney General

/S/

PAUL J. McMURDIE
Chief Counsel

Attorneys for RESPONDENTS-APPELLEES

## CERTIFICATE OF SERVICE

TWO COPIES of this Request were deposited for mailing this 16th day of November, 1992, to:

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